

*Summons issued w/ p/cvt
H.C. to atty*
ORIGINAL

*J. Ramey
DBH
9/19/00*

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**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

NANCY DREW SUDERS

Plaintiff

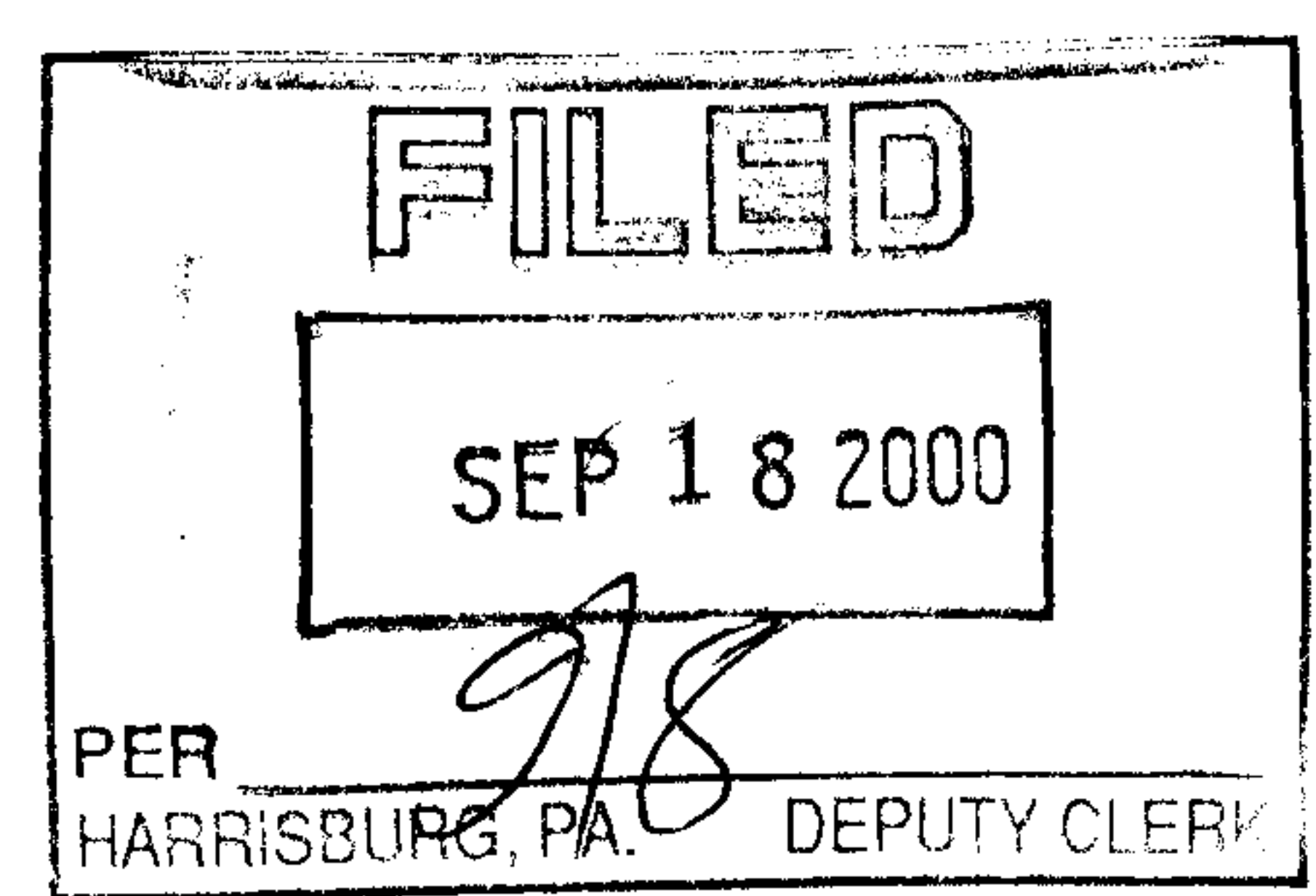
Vs

**ERIC D. EASTON, WILLIAM D.
BAKER, ERIC B. PRENDERGAST
VIRGINIA SMITH ELLIOTT,
AND THE PENNSYLVANIA
STATE POLICE,**

Defendants

CIVIL ACTION LAW

1 : CV - 00 - 1655
No.



JURY TRIAL DEMANDED

COMPLAINT

INTRODUCTORY STATEMENT

1.) This is a civil rights complaint brought to redress grievances for sexual harassment and retaliation where plaintiff was forced to endure an insulting, humiliating work environment, and for being forced to suffer a termination of employment because she would not yield to sexual suggestions, innuendoes and solicitatious behavior. Plaintiff also suffered discrimination because of her age and political affiliation.

JURISDICTION AND VENUE

2.) This Court has jurisdiction to hear these claims under 28 U.S.C. §1331 and 28 U.S.C. §1343(a)(3) and (4). Jurisdiction is also conferred under 42 U.S.C. 2000 et seq. (Title VII) as a remedial statute.

3.) This Court's supplemental jurisdiction is invoked under 28 U.S.C. §1367 because plaintiff also brings a supplemental state claim under the Pennsylvania Human Relations Act.

4.) Plaintiff additionally claims redress under the provisions of the Age Discrimination in Employment Act of 1967.

5.) A jury trial is demanded.

6.) Punitive damages are requested.

7.) Attorney's fees are demanded.

8.) Venue is properly in the Middle District because all parties, witnesses, events, and other facts are common to Fulton County which is in the Middle District.

OPERATIVE FACTS

9.) Plaintiff began working for the Pennsylvania State Police (PSP) on or about March 21, 1998.

10.) Plaintiff was subjected to insulting, harassing, sollicitious sexual remarks and embarrassing, humiliating, sexually suggestive actions by the defendants more fully described as follows:

a.) Eric Easton made suggestive comments about panty hose.

B.) Apparently emulating TV wrestling, which he worships, Cpl Baker would stand up, cross his hands in an X motion in front of his body, then take his genitals in his hands and scream "suck it". He did this on many occasions from when plaintiff was hired until she was forced to resign in August 1998.

C.) Baker had a picture of a wrestler on his wall making the same motion.

D.) In early April 1998, Sgt Easton was talking about his wife, commenting how she had little breasts.

E.) During plaintiff's performance evaluation in May 1998, Sgt. Easton began talking about people having sex with animals.

F.) In June 1998 Cpl. Baker commented that an African American PSP trooper married a white woman because she "had an ass like a Black woman".

G.) PCO Strait asked Cpl Baker if he could rub the hair on his legs.

H.) Cpl Baker, reciprocated by rubbing Strait's back and saying romantic things. Both Baker and Strait thought this display was humorous. Plaintiff was offended.

I.) Prendergast regularly harassment plaintiff telling her he was “watching” her and that “we’ll” see that she was the last political appointee who had a job there at the substation.

J.) Baker then said his wife was getting her nipple pierced and then that he was getting his penis pierced.

K.) Easton and Cpt Prendergast had a conversation in plaintiff’s presence, knowing and intending that plaintiff hear - saying that if one had a daughter it would be desirous to teach her how to give a “blow job” and after Prendergast laughed, Easton exclaimed he was serious, he would teach his daughter to “give a blow job”. Plaintiff was extremely upset over being exposed to this terrible colloquy.

L.) During plaintiff’s job performance evaluation by Sgt Easton, in July 1998, she was told that she was not going to receive a good review. Comments about sex with animals was repeated by Easton for some strange reason unknown to plaintiff, and plaintiff was told that PSP management was aware she was frightened and afraid of losing her job.

11.) On or about August 1998 the plaintiff called the PSP affirmative action officer Major Virginia Smith Elliott.

12.) Elliott told plaintiff to get a form to fill out but refused to help her further.

13.) Plaintiff was also harassed and ridiculed by Easton and Baker over her age:

A.) Easton commented sarcastically to plaintiff on one occasion, in reference to her age "its awful getting old isn't it" as a way to put plaintiff down in commenting on her job performance.

B.) Easton told a friend of plaintiff's that a 25 year old fresh out of college could catch on faster than plaintiff could.

C.) Baker commented several times that he should call plaintiff "mamma" because of her age.

D.) Easton called the Republican County Chairman and requested a meeting, telling the chairman that he was sending plaintiff to Bedford County, Easton had (meaning by the Governor's office), told plaintiff that she had political influence, (meaning through the Governor's office) and that he wanted her to help get his son a job. Plaintiff did not respond to Easton, and believes, on information and belief, that he retaliated against her for not helping him.

E.) When Baker asked plaintiff how long she had been married, and she replied 38 years, he taunted her in response "Then I can call you mom"

F.) Baker at times, would refer to plaintiff as "mamma" when giving directions.

14.) Plaintiff at all times suffered from defendants' misconduct, and their harassing, discriminatory behavior, and, because they knew she was not receptive to their sexual suggestions and insults, defendants were increasingly more suggestive and insulting.

15.) When plaintiff refused to assist Easton with a request to help him place his son (Easton believed plaintiff had "political influence", and when plaintiff reacted adversely to the defendants' excessive familiarity to other females in the office, the defendants continued their escalating policy of progressively harassing plaintiff more and more.

16.) Plaintiff had taken a computer test, on Easton's orders, for the PSP, that was to be forwarded to PSP Head Quarters.

17.) On or about the end of July 1998 plaintiff was using the ladies room at the substation while at work.

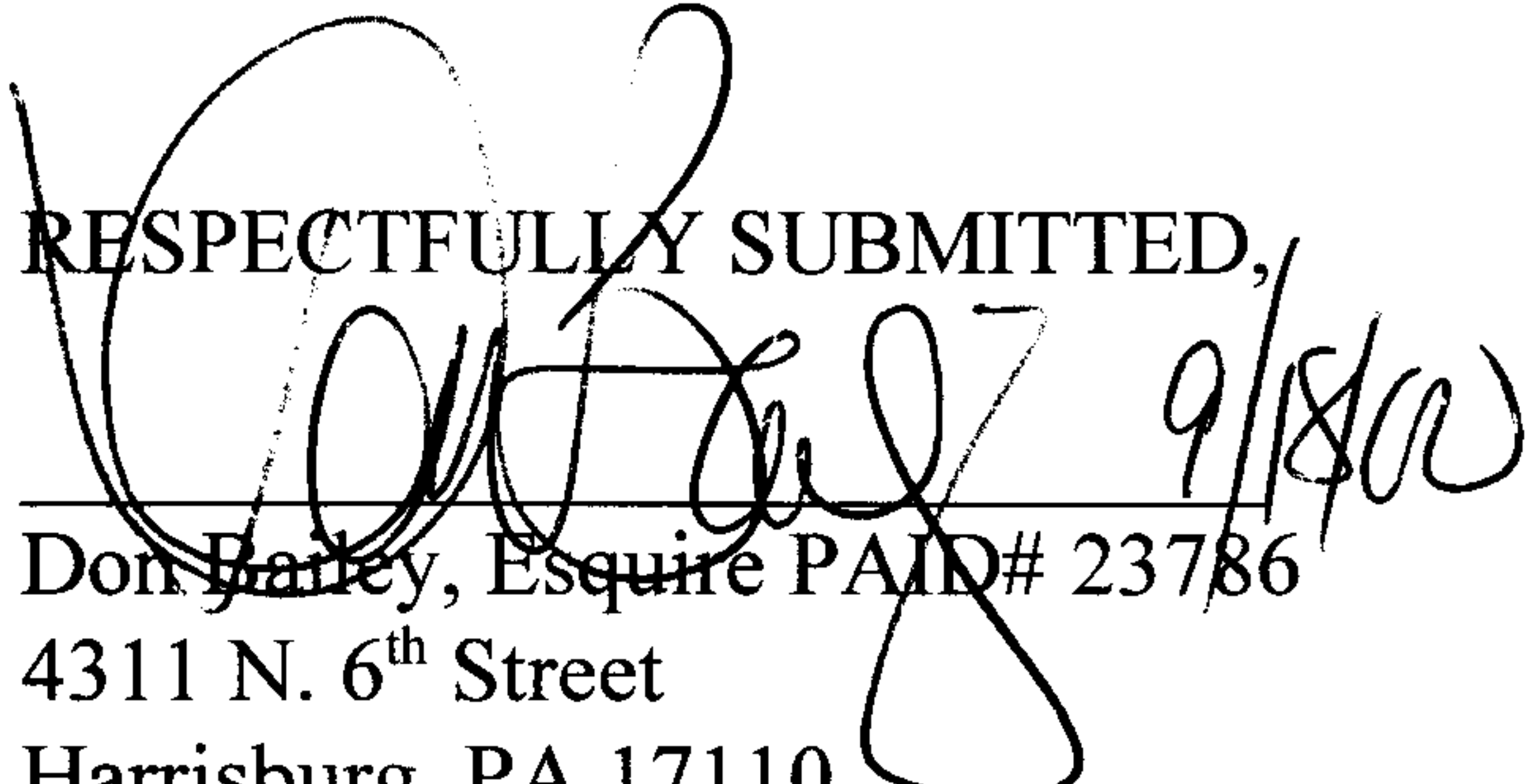
18.) In the ladies room were 2 dressers, a shower, (and a bed). The dressers we unmarked, are no one's personal property, have no signs or notices on them, are, unlocked, and had never been identified to plaintiff by anyone as theirs or anyone else's property.

34.) The defendants have violated plaintiff's rights to be free of unlawful violations composed of gender based discrimination and harassment pursuant to the PHRA.

35.) Plaintiff has exhausted her administrative remedies, receiving a right to sue letter from the U.S. Department of Justice dated August 21, 2000. Plaintiff received this letter on or about September 2000.

WHEREFORE plaintiff demands judgement of the defendants for the violation of her rights under the PHRA together with fees, costs, attorneys' fees, and such other relief as the Court may deem appropriate.

RESPECTFULLY SUBMITTED,


Don Bailey, Esquire PAID# 23786
4311 N. 6th Street
Harrisburg, PA 17110
(717) 221-9500

19.) On the night in question plaintiff noticed a drawer partly ajar to one dresser and looked in.

20.) Out of simple curiosity plaintiff opened the dresser drawer and found it had thong bikinis, bras, and negligee nighties. Plaintiff looked further.

21.) In another drawer was a group of papers containing personal information about plaintiff including the computer test which Easton had ordered plaintiff to take and which was to be forwarded to Head Quarters.

22.) Plaintiff replaced the papers and raised the issue of her test with Easton. As he responded she realized the testing she had to undergo was a ruse and she had been lied to by Easton.

23.) When plaintiff went back to the dresser drawer to check to confirm that Easton and Jody Lancaster, a PCO, who also lied to plaintiff, was involved in the plot against her, she took the papers, which were now in an envelope, and she replaced them with plain paper.

24.) Later she checked the drawer again to see how Easton and Lancaster responded and got powder on her hands which had been placed there, and throughout the ladies room, by the PSP, at Easton's urging.

25.) Easton, and other PSP operatives then began threatening plaintiff with the absurd proposition that she had committed a crime ie. had "tampered with

files” by virtue of her having investigated why her personal papers were in an unmarked dresser drawer with a plethora of intimate sexy apparel, near a bed, in a ladies room, in a PSP substation.

26.) The defendants repeated this ridiculous threat designed to intimidate plaintiff in their PHRC Answer, replete with an alleged opinion from a district attorney, that they had probable cause to bring criminal charges, but did not do so, ostensibly because of the DA’s suggestion to handle it internally.

27.) Regardless, when defendants, by and through PSP operatives, on August 20, 1998, threatened plaintiff, she felt she had no choice but to resign, and did so out of fear, and because of the threat of a malicious and vindictive investigation and prosecution by the defendants.

28.) Plaintiff, on August 18, 1998 had formally requested help from the PSP affirmative action officer Virginia Smith Elliot who refused to take her telephone request for an investigation, instead telling her she had to make a formal written request, which is against stated PSP policy, and thus in violation of plaintiff’s rights pursuant to 42 U.S.C. §2000 et seq. (Title VIII).

COUNT I

PLAINTIFF AGAINST ALL DEFENDANTS FOR THE DEPRIVATION OF HER FEDERALLY GUARANTEED

RIGHTS TO BE FREE OF SEXUAL HARASSMENT
FROM HER SUPERVISORS AND HER EMPLOYER

29.) Paragraph 1 through 30 above are incorporated by reference herein.

30.) The defendants Easton, Baker, and Prendergast were all plaintiff's supervisors and they all subjected plaintiff to a humiliating debilitating work environment.

31.) The defendant Elliot owed plaintiff a duty of care consistent with PSP policy.

32.) The defendant PSP is vicariously liable under the facts of this case to the plaintiff.

WHEREFORE plaintiff demands judgement of the defendants for the deprivation of her federally guaranteed rights under 42 U.S.C. §2000 et seq. together with fees, costs, attorney's fees and such other relief as the Court may deem appropriate.

COUNT II

PLAINTIFF AGAINST ALL DEFENDANTS UNDER THE
PENNSYLVANIA HUMAN RELATIONS ACT (PHRA)
AS A SUPPLEMENTAL STATE CLAIM

33.) Paragraphs 1 through 32 above are incorporated herein by reference.

CIVIL COVER SHEET

CV-00-1655
J. Rambo

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Nancy Drew Suders

DEFENDANTSEric D. Easton, William d. Baker, Eric P. Predergast.
Virginia Elliott, and the PSP Police**(b) County of Residence of First** Fulton County
(EXCEPT IN U.S. PLAINTIFF CASES)**County of Residence of First Listed** Fulton County
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.**(c) Attorney's (Firm Name, Address, and Telephone Number)**Don Bailey, Esq.
4311 N. 6th Street
Harrisburg, PA 17110
(717) 221-9500**Attorneys (If Known)**

N/A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☒ DEF Incorporated or Principal Place of Business In This State ☐ 4 ☐ DEF
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- x 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7
- Original Proceeding Removed from State Court Remanded from Appellate Court Reinstated or Reopened Transferred from another district (specify) Multidistrict Litigation Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Violations under 28 U.S.C. 1331, 1343(a)(3) and (4) and 42 U.S.C. 2000 seq. Title VII.

42.0003X

4257

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

J. Rambo, 1412

1:00-cv-670

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 12/96)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet